

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #2	CCRB Case #: 201501623	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/07/2015 11:55 AM	Location of Incident: Brooklyn Bridge	Precinct: 05	18 Mo. SOL 9/7/2016	EO SOL 9/7/2016	
Date/Time CV Reported Sat, 03/07/2015 4:26 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 03/07/2015 4:26 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Smith	08472	945016	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Smith	Abuse: PO Daniel Smith threatened to arrest § 87(2)(b)	

Case Summary

On March 7, 2015, at approximately 11:55 a.m., § 87(2)(b) was riding a bicycle across the Brooklyn Bridge from Manhattan to Brooklyn when she encountered a march across the Brooklyn Bridge to commemorate the 50th anniversary of the march across the Selma Bridge. § 87(2)(b) § 87(2)(b) dismounted her bicycle and walked with her bicycle on the bridge. PO Daniel Smith of the 1st Precinct was policing the march and instructed § 87(2)(b) to walk behind him. § 87(2)(b) § 87(2)(b) was late for a business meeting and repeatedly attempted to walk past PO Smith, and PO Smith allegedly said to her, “If you walk ahead of me, I will cuff you and arrest you for disorderly conduct.” (Allegation A) PO Smith then provided his name and badge number to § 87(2)(b) § 87(2)(b) and informed her that she could make a complaint. § 87(2)(b) eventually snuck past PO Smith and crossed the bridge to Brooklyn.

Mediation, Civil and Criminal Histories

§ 87(2)(b) declined to mediate this complaint. On April 23, 2015, an enquiry was made to the office of the New York City Comptroller for any notice of claim filed by § 87(2)(b) and the results will be added to this case file upon its receipt. § 87(2)(b) [§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (See Board Review 2).
- PO Smith has been a member of the NYPD for seven years, has had three previous CCRB allegations involving three cases with no substantiated allegations. § 87(2)(g) (See Board Review 1).

Findings and Recommendations

Recommendations

Allegation A – PO Daniel Smith threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that she was late for a business meeting and was walking her bicycle, which had panniers attached, through the demonstrators at a faster speed than the other pedestrians on the pathway. § 87(2)(b) claimed that PO Smith threatened to arrest her after repeatedly telling her to walk behind him.

PO Smith claimed that § 87(2)(b) was yelling at the crowd to get out of her way because she was late for a meeting. PO Smith claimed that her yelling caused alarm amongst the crowd and that her aggressive pushing of the bicycle was causing a hazardous condition. PO Smith stated that he threatened to arrest § 87(2)(b) if she continued to yell and move her bicycle aggressively through the crowd of demonstrators. The investigation credits PO Smith’s assertion that § 87(2)(b) § 87(2)(b) was yelling that she was late for a meeting as he could not have known that information otherwise. The investigation also credits PO Smith’s claim that § 87(2)(b) s behavior was disruptive and alarming to the demonstrators since § 87(2)(b) admittedly was attempting to move through them at a higher speed while walking with a full sized bicycle with panniers attached. Photographs of the demonstrations found in major press sources (See Board Review 3-7) showed the narrow pathway on the Brooklyn Bridge was congested with demonstrators and other pedestrians which was exacerbated by lingering snow banks on the sides of the paths.

“A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: ...4) Without lawful authority, he disturbs any lawful assembly of meeting of persons; or 5) He obstructs vehicular or pedestrian

§ 87(2)(g)

Investigator:	<u>Simon Wang</u>	<u>05/08/15</u>
Signature	Print	Date
Supervisor:		
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print	Date